

GAS INQUIRY ORDERED AFTER A BITTER FIGHT

Party Lines Broken in Senate
and Page Bill Passed,
36 to 13.

TAMMANY ATTACKED.

But Some of the Tigers Lined
Up in Favor of City Light-
ing Investigation.

(Special to The Evening World.)
ALBANY, March 14.—After a three-hour battle the Senate this afternoon adopted the Page resolution providing for an investigation of the gas and electric lighting conditions of New York City.

The vote was 36 to 13. Several Tammany members after voting to amend the resolution to make it relate to every city in the State, broke away and voted as they pleased in accordance with the instructions of Charles F. Murphy, the leader of Tammany Hall.

Tammany Men for it. The vote on the Coghswell amendment, which was defeated, was 23 to 27. After this amendment had been voted down Tammany changed front and voted for the investigation which now passed to the Assembly for concurrence. The vote was as follows:

For—Foley, Frawley, Hawkins, Keenan, Kehoe and Rordan, Democrats; Carpenter, Cobb, Cooper, Cordis, Davis, Drescher, Elsborg, Fancher, Fechter, Gates, Goodsell, Hill, Hinman, Lewis, L'Hommedieu, Malby, McGowan, Pace, Prime, Raines, Saxe, Stevens, Tully, Warnick and White, Republicans—36. Against—Ambler, Cassidy, Coghswell, Gardner and Wilcox, Republicans; Cullen, Dooling, Fitzgerald, Grady, Hasenflug, Marks, Martin and McCarren, Democrats—13.

Grady Fought Hard. The close of the debate was spirited, the fight against the resolution being led by Grady, Democrat, and Coghswell, Republican.

Coghswell lambasted his colleagues for playing a political trick on the people of the State. He said the resolution was to permit State Leader O'Dell to get even with the gas combine for re-

fusing to contribute to his campaign last fall.

Grady declared that the resolution would not accomplish anything, as a report could not be prepared upon which to base action this session.

"The courts," he said, "have commanded the gas company to produce its books and the Legislative Committee cannot get at them for months."

The resolution was moved shortly before noon, Senator Page attacking the Coghswell amendment for renewing lighting contracts that were rejected by the previous administration.

"The people feel," said the Senator, "that there is a mysterious connection between the gas companies and city administration."

Senator Grady charged that the moving spirit in the gas investigating proposition was a "sore Democrat," a newspaper owner who had sought the Democratic nomination for President.

Tammany had been abused and forced to give him a renomination, because, said Senator Grady, it wanted to hold his newspaper in line.

"This investigating resolution is the result of a miserable political deal," continued the Senator.

"I know all about it. It was fixed up between Hearst and the Republican machine to hurt the regular Democratic candidate for Mayor."

For Mud Slinging. The whole programme, replied Senator Grady, was to organize a mud-slinging machine for the next campaign.

Senator Elsborg said it made no difference where the resolution came from, so long as it meant an amelioration of the present conditions in New York.

"It looks as if there was something rotten in Denmark," declared Senator Elsborg. "I firmly believe that an investigation will show the need of corrective legislation."

Senator Cassidy, of the insurgent combine, called against the resolution, arguing that the price of gas was regulated by the law of supply and demand. He attacked ex-Gov. O'Dell for voting the Niagara Power grab of last year and "removing all opportunity for competition."

Hit at the Inquiry. Senator Coghswell, who claims to be the only real independent in the Senate, denounced investigations by the legislature as harmful and useless. He believed in organizations, but not the sort which would make Senator O'Dell or him.

"We have passed a bill giving an investigating committee \$20,000," he said. "Why should we now vote \$85,000 for a smelly committee to go to New York?"

Senator Malby, chairman of the Finance Committee, spoke in favor of the resolution, declaring that the gas companies had refused to inform the committee how much it cost to produce gas.

MAYOR ADMITS GAS IS TOO HIGH.

Testifies in Suit to Restrict Payment of \$1,200,000 that City is Overcharged.

Mayor McClellan took the witness stand to-day before Justice Kelly in

Brooklyn in the suit to restrain the city from paying \$1,200,000, the amount of bills rendered for gas and electric lighting during the time the contracts were held up.

He went to the stand smiling. He said that he regarded the price of gas and electricity in New York as very high, and that he talked the matter over with Commissioner Oakley on several occasions. They then dropped the matter temporarily.

"I supposed that when the proper time came Commissioner Oakley would bring it up again," said the Mayor.

"Did you know that Commissioner Oakley had begun negotiations with the company?"

"No. From April to November I supposed that he was doing nothing about the matter."

"Did you make any recommendation to the Commissioner?"

"I did not."

"At this juncture Justice Kelly asked Lawyer Shearn, attorney for the plaintiff, what had faith he was trying to impose on the Mayor. The lawyer replied that the city's money could not be spent without the Mayor's approval and that the Mayor should have stopped the projected payment of the gas bills. He should have refused to countersign the warrant, said the lawyer, and he should have brought an action to annul the contract on the ground of bad faith and collusion."

Checked by the Court. "All the taxpayers suits I ever heard of," put in Justice Kelly, "have been for the purpose of preventing city officials from doing some wrong act, and not because the Mayor failed to institute a suit to stop a subordinate from doing some act. Confine yourself to the issue at hand."

"After I learned that the contract had been certified," continued the Mayor, "I sent for Commissioner Oakley. He explained to me in detail why he had signed the contract, showed me the reductions he had obtained, and assured me that it was the best he could do."

"I was impressed by his sincerity. I believe that he was sincere—know he

was—and I believe he signed the contract in good faith."

"I questioned him closely about his motives, because at that time I had done furnished cause for removal. I always read the newspapers with care, you know, and I treat their suggestions with 'real respect.'"

No Bad Faith, He Said. "Did you not think after you had investigated the matter that Commissioner Oakley acted in bad faith?"

"No," snapped the Mayor. "Had I known all about the matter, possibly he might not have signed the contract, but I thoroughly believe that he did what he thought was best for the city on the representation made to you by the Commissioner."

"Do you know Mr. Oakley for fifteen years and I never knew him to do a wrong thing?"

"In the very best faith."

"His opinion is also based on what I know of him as a man."

Commissioner Oakley and Comptroller Grout were both examined before the Mayor went on the stand.

After Engineer Lombard and Treasurer Benjamin White, the stand was taken by Mayor McClellan, who testified, Justice Kelly

interrupted proceedings to say that so far the plaintiff had produced no evidence of bad faith on the part of the defendants. He announced that if the plaintiff held that it was the duty of the defendants to investigate the gas companies for ten years back he would be sorry that he could not hold that view himself.

TAMMANY FOR CHEAPER GAS.

Murphy Declares Wigwag Will Support 70-Cent Measure if 70-Cent Bill Falls.

Tammany Leader Charles F. Murphy said to-day if the Republican Legislature fails to accept the Fitzgerald 70-cent gas bill, Tammany will vote for the next best bill affording cheaper gas.

Mr. Murphy added: "I have been in communication with the Tammany members of the Legislature and have urged that everything possible be done to secure the passage of the 70-cent gas bill. If that bill is defeated then we will accept the Republican 80-cent bill, or any measure

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